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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46657-2025

Date of decision : 29.08.2025

Shivraj Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Joginder Pal Devgan, Advocate
for the petitioner (through V.C.).

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail to the petitioner in case FIR No.0051 dated 01.05.2024, under Section 25 of Arms Act and Sections 10, 11 and 12 of Aircraft Act, 1934 and later on added the offences (under Section 21-C, 29 of NDPS Act), registered at Police Station Khalra, District Tarn Taran.

2. Succinctly the facts of the case are that on 01.05.2024, the police received a secret information to the effect that some objectionable material wrapped in an envelope was lying in the fields of Jaswant Singh S/o Jarnail Singh, resident of Kalsia. On receiving the secret information, raiding party was constituted and the same reached at the place disclosed, wherein a pistol wrapped with tape of yellow and white colour was found. On removing the tape, a pistol of brown colour was found on which 'Made in Austria' was written. The same was taken into possession. It was found that the pistol was called for by an unknown person from Pakistan



and dropped at the place of occurrence through drone and thus, the FIR was registered for the offence under the Arms Act and Aircraft Act. On registration of the FIR, investigation commenced. During investigation the complicity of the petitioner was surfaced and resultantly, he was arrested on 18.05.2024. The petitioner approached the learned Judge, Special Court, Tarn Taran for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Tarn Taran vide order dated 11.02.2025. Aggrieved by the same, the petitioner approached this Court earlier by way of filing of CRM-M-11448-2025, however, the same was dismissed as withdrawn vide order dated 29.04.2025. Hence, the petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jobanjit Singh @ Joban and Vishaldeep Singh. He has drawn the attention of this Court to the orders dated 19.08.2025 and 25.08.2025 passed in **CRM-M-30186-2025 and CRM-M-12352-2025**, respectively, whereby, co-accused, namely, Jobanjit Singh @ Joban and Vishaldeep Singh, have been granted regular bail by this Court. He submits that the petitioner is in custody since 18.05.2024. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with co-accused, namely, Jobanjit Singh @ Joban and Vishaldeep Singh. He, on instructions, has submitted that out of



total 17 prosecution witnesses, only 03 witnesses have been examined. However, he submits that recovery of 260 grams heroin, was effected from the petitioner, which falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 18.05.2024. Co-accused, namely, Jobanjit Singh @ Joban and Vishaldeep Singh are on bail and the case of the petitioner as stated is at par with them. As submitted before this Court, out of total 17 prosecution witnesses, only 03 witnesses have been examined so far.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.



20. xxxxx

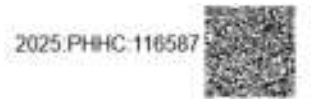
21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.



9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

29.08.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No